

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

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This letter is in response to your January 7, 1994, correspondence regarding the testing of used filters in your Dyna Clean system. You posed several questions, given a scenario of a large truck maintenance operation with approximately 50 maintenance facilities nationwide, that are addressed below:

1) Is each separate maintenance facility obligated to test a representative used filter element to determine the regulatory status of their used Dyna Clean filters?

According to federal regulations the testing of your filters is not necessary. Pursuant to 40 CFR 262.11, a hazardous waste determination may be made by using either knowledge of the waste or by using analytical methods. If the solvent used is a listed hazardous waste that is found under 40 CFR 261.31, then the filters are considered hazardous waste and no testing of the filters is necessary. If a solvent not listed in 261.31 is being used and this solvent does not come in contact with listed hazardous waste, the filter itself is not a listed hazardous waste. However, if the filters themselves exhibit a characteristic after use, then they would be considered hazardous waste. The regulations contained in 40 CFR 261 Subpart C or an equivalent method approved by the Administrator under 40 CFR 260.21 can assist in the determining whether the waste exhibits a characteristic of toxicity, ignitability, corrosivity, or reactivity.

2) Could a nationwide random sampling of filters be tested to characterize the filters on a nationwide basis? Could the results of these random tests be used by the other facilities, under the heading of generator knowledge, as an aid in determining the status of their used Dyna Clean filters?

According to your letter, Zep's Dyna Clean parts washing system contains no hazardous materials in either its solvents or filters. The problem is that we do not know what material is being cleaned by the system. The material being cleaned appears to be the only possible source of contamination in your system.

It is not possible to give a blanket exemption to a process of this nature as you have no control over the type of material that might be cleaned in this operation. A nationwide random sampling of filters would only be appropriate if all of your clients were operating your cleaning system in the same way on the same type of

material.

This gets us back to generator knowledge. If the generator knows that no TC hazardous substances are present in the material being cleaned, then the used filters and solvents from the process would not be a RCRA hazardous waste. If the generator is unsure whether TC hazardous substances are present, then representative samples of the filters and solvents should be collected and analyzed to verify their status under RCRA. This information then becomes the basis for future generator knowledge about the waste. If the waste proves non-hazardous, as long as the process or type of material being cleaned doesn't change, further testing should be unnecessary as documented generator knowledge has proven it does not pose a hazard.

3) How many used Dyna Clean filters should be tested?

Given the answers above, if the facility wants to test its filters, we recommend guidance from local (i.e. state or EPA regional) officials. EPA Headquarters cannot advise the facility of the precise number of filters that should be tested other than to say it must be enough to satisfy
_ 262.11.

Assuming that the filters are not regulated as hazardous wastes, 40 CFR Part 260, et seq., the available disposal options are defined by the state, if it is authorized, in which the generator of the waste is located. You or your customer should contact the particular authorized state in order to ascertain this information. If the state is not authorized, the regional EPA office administers the hazardous waste program. EPA requires only that state programs be at least as stringent as the Federal program. States always have the option of being more stringent if they choose.

I hope this information clarifies these issues for you. If you have any further questions, please contact Anthony D. Carrell of my staff by mail or at (202) 260-6607.

Sincerely,
David Bussard, Director
Characterization and Assessment Division

cc: Ken Gigliello, OWPE
Waste Management Division Directors, Regions I-X

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